REMARKS

Reconsideration of this application is respectfully requested in view of the remarks contained herein.

STATUS OF CLAIMS

Claims 1-15 are currently pending in this application.

WITHDRAWN REJECTIONS

Applicant notes with appreciation the withdrawal by the Office of the rejection of claims 7-12 and 14 under 35 U.S.C. § 101, and of the rejection of claims 1-14 under 35 U.S.C. § 103(a) over Sugawara et al. in view of Wakasugi et al.

OBVIOUSNESS REJECTION

In paragraph 4 of the Office action, the Examiner has rejected claims 1-15 under 35 U.S.C. 103(a) as being obvious over U.S. Patent Publication No. 2002/0019848 A1 (Sugawara et al.) in view of U.S. Patent No. 6,650,440 (Wing). Applicant respectfully traverses this rejection for the reasons given below.

As in the Office action dated September 8, 2008, the Office again admits that:

> Sugawara '848 (although shows issuing the transmission report) fails to show a controller which issues a transmission management report at predetermined timings.

Office action dated December 23, 2008 at page 3. Instead of relying on Wakasugi et al. in an attempt to cure this deficiency, the Office turns to Wing, alleging that:

> Wing'440 teaches a data transmission apparatus with a controller which issues a transmission management report at predetermined timings (i.e., the transmission management report ((delivery status notification/message disposition notification)) are sent by a predetermined periods/waiting of time. See Column 3, Lines 54-67, See Column 9, Lines 37-67 and See Column 10, lines 1-30.

Office action dated December 23, 2008 at page 3. From this alleged disclosure, the

Office concludes:

> Having the system of Sugawara '848 and then given the
> well-established teaching of the Wing'440, it would have been
> obvious to one having ordinary skill in the art at the time of the
> invention was made to modify the system as suggested by the
> combination of Sugawara'848 with the teachings of Wing'440 by
> adding a controller which issues a transmission management report
> at predetermined timings, in order to improve the systems efficiency
> and accuracy by permitting the transmission of the management
> reports for a plurality of transmissions in the same report be done at
> predetermined times, this way resources can be better used.

Office action dated December 23, 2008 at pages 3-4.

Applicant respectfully submits that there is no prima facie case of obviousness

presented by Sugawara et al. and Wing because, even if combination of the

reference teachings were appropriate (which Applicant does not admit), the result

would not be Applicant's claimed invention.

In the portion of Wing referenced by the Office action, Wing states:

> <u>The fifth type of DSN response, an 'expanded' DSN
> message, indicates that multiple recipients are going to receive the
> message, which may cause multiple MDNs to be generated (and
> sent to the original fax sender). While this (multiple outdials) is
> undesirable, the sender cannot know how many recipients there
> are and therefore, the sender cannot reliably know if "all" recipients
> have received the message.</u>
> As previously stated, the MDN confirmation request
> message is part of the header of the email message (as previously
> noted, the confirmation request is part of the original message itself
> while the delivery confirmation message is a separate message).
> Accordingly, it looks merely as a block of data to an mailer. It
> follows then that if the email message 44 reaches the receiving
> FAX-to-SMTP gateway 28, then the MDN confirmation request also
> reaches the gateway 28. Although, the MDN confirmation request
> reaches the receiving FAX-to-SMTP gateway 28 under normal
> conditions, a response to the MDN confirmation request may not be
> generated, unless the receiving FAX-to-SMTP gateway 28 or the
> email recipient is configured to send such a message. In other
> words, generating and sending a response to an MDN confirmation
> request message is optional, which a user at the receiving FAX-to-

SMTP gateway 28 can enable or disable. If such an option is
enabled, then a response to the MDN message is sent back to the
sending FAX-to-SMTP gateway 14 indicating that the fax message
42 was successfully transmitted to the receiving fax machine 3.

Wing, column 3, line 54 to column 4, line 16 (emphasis added). In another portion of

Wing referenced by the Office action, Wing states:

> The modified sending fax-over-email gateway 206 does not
> generally make an outcall to the sending facsimile device 202 each
> time it receives a response to the DSN and MDN confirmation
> request. Instead, when the modified sending fax-over-email
> gateway 206 receives a DSN response, it waits for a predetermined
> length of time before making an outcall to the sending facsimile
> device 222. This is done in hopes of receiving the MDN response
> within that time. If the modified sending fax-over-email gateway 206
> receives an MDN response within the predetermined waiting
> period, then it makes an outcall to the sending facsimile device 202
> for generating thereat a confirmation that the fax message was
> successfully delivered. In such a case, the modified sending fax-
> over-email gateway 206 made only a single outcall to the sending
> facsimile device 202, even though it received both the DSN and
> MDN responses. Because only a single outcall is made by the
> modified sending fax-over-email gateway 206, a substantial cost
> reduction is achieved in terms of telephone call charges, in addition
> to reducing the likelihood of confusion and logistic problems for a
> user at the sending facsimile device 202.
>   Consider the following exemplary scenario. In this scenario,
> assuming that the fax message 234, sent to the receiving facsimile
> device 222, was delivered successfully, the modified sending fax-
> over-email gateway 206 sends both DSN and MDN confirmation
> request messages with the fax-over-email message 236 message.
> In this example, all of the en-route mailers (such as mailers 208-
> 218) are DSN capable. In such a case, the modified sending fax-
> over-email gateway 206 first receives a "Delivery Success"
> response from the receiving fax-over-email gateway 220. This
> causes the modified sending fax-over-email gateway 206 to wait for
> a predetermined length of time before it makes an outcall to the
> sending facsimile device 202, such as, for example, 20 minutes. If
> the MDN response arrives at the modified sending fax-over-email
> gateway 206 within the predetermined time period (e.g. 20
> minutes), then gateway 206 makes one outcall to the sending
> facsimile device 202. Thus, in this situation, the modified sending
> fax-over-email gateway 206 avoids making multiple outcalls.
>   Consider the following additional exemplary scenario. In this
> scenario, still assuming that the fax message 234 sent to the
> receiving facsimile device 222 was successful, the modified

> sending fax-over-email gateway 206 sends both a DSN and an
> MDN confirmation request message with the email message 236.
> In this example, one of the en-route mailers (such as one of the
> mailers 208-218) is not DSN capable, such as the qmail mailer. In
> such a case, the modified sending fax-over-email gateway 206
> receives a "Relay DSN" response from an enroute mailer preceding
> the DSN incapable mailer. This causes the modified sending fax-
> over-email gateway 206 to wait for a predetermined length of time
> before it makes an outcall to the sending facsimile device 202, such
> as for example, 20 minutes. If the MDN arrives at the gateway 206
> within the predetermined time period (e.g. 20 minutes), then
> gateway 206 makes an outcall to the sending facsimile device 202.
> Thus, in this situation, the modified sending fax-over-email gateway
> 206 also avoids making two outcalls.
> In the preferred embodiment, the predetermined length of
> time for the modified sending fax-over-email gateway 206 to wait
> before it makes the outcall to the sending facsimile device 202
> should correlate with a reasonable expected time in which the MDN
> response is to arrive at the gateway 206. In the preferred
> embodiment, the predetermined wait period is about 10 to 20
> minutes. The wait period need not be fixed, but can depend on
> factors such as the location of the receiving facsimile device with
> respect to the sending facsimile device, how many intermediate
> mailers, or other factors.

Wing, column 9, line 37 to column 10, line 39 (emphasis added).

The portions of Wing cited by the Office do not describe the issuance of a

transmission management report for a plurality of transmissions at predetermined

timings. Wing is concerned with situations where a fax-over-email communication

contains both a DSN confirmation request message and an MDN confirmation

request message. In such situations, Wing is concerned that conventional fax-over-

email systems will cause the sending FAX-to-SMTP gateway to dial out to the

sending fax machine once when the DSN confirmation request response is received,

and again when the MDN confirmation request response is received, in effect

incurring costs for dialing out twice to confirm receipt of a single fax transmission.

In order to avoid this unnecessary dual notification of receipt of a single fax

transmission, Wing discloses a system wherein the sending FAX-to-SMTP gateway

does not make an outcall to the sending fax machine each time a DSN confirmation request response is received. Instead, the sending gateway waits for a certain period of time in order to allow an MDN confirmation request response to arrive, if one has been sent by the receiving gateway. This is what is described in the portions of Wing cited by the Office and quoted above. However, it is important to note that nowhere does Wing disclose or suggest that the confirmation request responses are to be collected from multiple fax messages and then forwarded after a predetermined period of time. The disclosure of Wing is therefore directed to waiting for the two confirmation request responses for a single fax message to be received at the sending gateway, and then dialing the sending fax machine to report the responses with a single outcall.

Indeed, accumulating MDN and DSN request responses from multiple fax transmissions would make little sense, since it is highly unlikely that these responses would be reportable to the same sending fax machines. Accumulating them for sending at a later time would merely unduly delay the reporting of the response to the sending fax machine, since there may be a considerable length of time between reportable responses to that fax machine.

In any event, what Wing describes is completely different from, and not suggestive of, the production of the transmission result report described in Sugawara et al. As indicated in the response filed on September 9, 2008, which is incorporated herein by reference, the transmission result report shown in Figure 26 of Sugawara et al. is not transmitted anywhere, but simply printed out as a record of the transmission management table maintained in the memory of a particular facsimile machine. What Wing discloses has nothing to do with this transmission

management table or report, and neither suggests that such a report by transmitted

anywhere, or suggests that such transmission occur after a predetermined period of

time. Even if the disclosure of Wing were to be combined with that of Sugawara et

al., the result would merely be that the fax machine of Sugawara et al. receives a

single outcall from a sending FAX-to-SMTP gateway, and not the transmission of the

transmission management table of Figure 26 of Sugawara et al.

For at least these reasons, Applicants submit that the Office has failed to

establish a prima facie case of obviousness, and that this rejection should therefore

be withdrawn.

CONCLUSION

Applicants submit that this application is in condition for immediate allowance,

and an early notification to that effect is respectfully requested. If the Examiner has

any questions about this application, or believes that any issues remain to be

resolved, the Examiner is respectfully requested to contact the undersigned to

arrange for a personal or telephonic interview to resolve these issues prior to the

issuance of another Office action.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY LLP

Date: <u>March 23, 2009</u>   By:
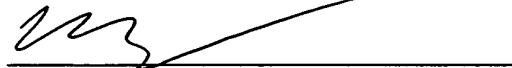
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